

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
ARTISTS RIGHTS ENFORCEMENT CORP.,
:
Plaintiff,
:
v.
Case No. 16-cv-01121-JPO
:
THE ESTATE OF BENJAMIN E. KING,
P/K/A BEN E. KING, BY ITS DULY
APPOINTED ADMINISTRATOR TERRIS
CANNON, BETTY KING, TERRIS
CANNON, BENJAMIN E. KING JR., and
ANGELA MATOS
:
Hon. J. Paul Oetken
:
**DECLARATION OF JONATHAN
STRAUSS IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS**

Defendants.

----- X

I, JONATHAN STRAUSS, declare under penalties of perjury under the laws of the United States of America that the following is true and correct:

1. I am a member of the law firm Loeb & Loeb LLP, counsel for defendants the Estate of Benjamin E. King, by its duly appointed Administrator Terris Cannon (the “Estate”), and Betty King, Terris Cannon, Benjamin E. King and Angela Matos (the “King Family”) (collectively, “Defendants”). I have personal knowledge of the matters set forth herein, and respectfully submit this declaration in support of Defendants’ motion to dismiss the Amended Complaint (the “Complaint”) of plaintiff Artists Rights Enforcement Corp. (“AREC”).

2. Annexed as exhibit A hereto is a true and correct copy of the August 22, 2014 amended notice of termination of transfer covering extended renewal term, pursuant to Section 304(c) of the Copyright Law (Title 17, U.S.C.), in connection with the composition “There Goes My Baby.”

3. Annexed as exhibit B hereto is a true and correct copy of the September 3, 2014 notice of termination of transfer covering extended renewal term, pursuant to Section 304(c) of the Copyright Law (Title 17, U.S.C.), in connection with the composition “Stand By Me.”

4. Annexed as Exhibit C hereto is a true and correct copy of the purported July 31, 2014 letter agreement between AREC and Ben E. King.

5. Annexed as Exhibit D hereto is a true and correct copy of the purported December 15, 2014 letter agreement between AREC and Ben E. King.

6. Annexed as Exhibit E hereto is a true and correct copy of a letter dated November 2, 2015, from Lisa A. Alter, Esq., to Chuck Rubin of AREC.

7. Annexed as Exhibit F hereto is a true and correct copy of a letter dated November 2, 2015, from Lisa A. Alter, Esq. to Ross Charap, Esq.

8. Annexed as Exhibit G hereto is a true and correct copy of the transcript of proceedings dated January 15, 2016, in *In the Matter of the Probate of the Last Will and Testament of Benjamin E. King*, Superior Court of New Jersey, Chancery Division – Bergen County, Docket No. BER-P-452-15 (the “Surrogate’s Court Action”).

9. Annexed as Exhibit H hereto is a true and correct copy of the Verified Answer of Creditor, Artists Rights Enforcement Corporation, filed in the Surrogate’s Court Action on February 2, 2016.

10. Annexed as Exhibit I hereto is a true and correct copy of a letter dated January 20, 2016 from Gabin Beth Rubin, Esq., AREC’s General Counsel, to Lisa Alter, Esq. and Judy Tint, Esq.

Pursuant to 28 U.S.C. § 1746, I declare under the penalties of perjury that the foregoing is true and correct.

Executed on this 14th day of April, 2016.

/s Jonathan Strauss
JONATHAN STRAUSS

NY1401662.2